IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4181 of 2006()

CRA.16/2006 of ADDL.SESSIONS COURT (ADHOC I), ALAPPUZHA
CC.729/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONER/ APPELLANT/ACCUSED

E.Y.NAJEEB, S/O. YOOSUF,
ELAVUNGAL VEEDU, CHANDIROOR P.O.,
CHERTHALA.

BY ADV. SRI.K.K.MOIDEEN

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. MANOJ V.D., S/O. DAMODARAN,
   ALIKKAKATHU VEEDU, CHANDIROOR P.O.,
   CHERTHALA.

2. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

   R1 BY ADV. SRI.JOHN JUDE ISSAC
   R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4181 OF 2006

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Dated this the 28th November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months and was ordered to pay a sum of Rs. 90,000/- to the complainant as compensation under section 357(3) of the Code of Criminal Procedure and in default of payment of compensation , to undergo simple imprisonment for a period of three months. The petitioner challenged the conviction and sentence in Appeal. The appellate court confirmed the conviction and sentence and dismissed the Appeal.

2. Crl.M.A.No. 12089 of 2006 filed by the parties under section 147 of the Negotiable Instruments Act was allowed. Accordingly, Crl. Revision Petition is allowed. The conviction and the sentence imposed on the petitioner are set aside and he is acquitted under section 320(8) of the Code of Criminal Procedure.

Crl. Revision Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A.No. 12089 OF 2006 IN
CRL. R.P.No. 4181 OF 2006

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Dated this the 28th November , 2006

O R D E R

This is an application filed by the petitioner/accused and the first respondent/complainant under section 147 of the Negotiable Instruments Act, seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. It is stated in the application that the dispute between the parties is settled and that Annexure-I agreement was executed. As per the terms of compromise, the first respondent/ complainant is entitled to withdraw the amount of Rs.20,000/- deposited by the revision petitioner before the trial court .

Compromise is recorded and the petition is allowed.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. R.P. 4181 OF 2006

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Dated this the 28th November , 2006

O R D E R

The Revision is filed against the judgment dated 21.06.2006. Free copy was issued on 17.11.2006. The Registry noted a defect that the Revision is time barred. It was replied by the counsel for the petitioner stating that the copy was ready only on 17.11.2006. There is no endorsement on the free copy as to when the copy was ready and whether any application was submitted by the petitioner for issue of the copy. It is also not noted as to whether any date was notified for receiving the copy. I have held in **Ouso and others. vs. Cheekku and another** (**Un-numbered Crl.R.P. of 2006 filed against Crl. Appeal. 279 of 2005 on the file of the IV Addl. Sessions Judge, Ernakulam)** that a free copy issued under section 363 of the Code of Criminal Procedure should

contain necessary endorsements to facilitate computation of the period of limitation. Since necessary endorsements are absent on the copy produced along with the memorandum of Revision, I hold that the Revision is not time barred.

Number the Crl. Revision Petition and the application filed under section 147 of the Negotiable Instruments Act.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. R.P. 4181 OF 2006

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Dated this the 28th November , 2006

O R D E R